

AGENDA

BOARD OF MAYOR AND ALDERMEN

December 6, 2005

7:30 PM

**Aldermanic Chambers
City Hall (3rd Floor)**

1. Mayor Baines calls the meeting to order.
2. The Clerk calls the roll.
3. Presentation of Arts Award to Russ Poehlman and presentations of Certificates of Appreciation to the Friends of the Valley Street Cemetery and Ocean National Bank for their contributions to the Art Fund.
4. Adopt-A-Block presentation and update.
5. Presentation by the Airport Director regarding the law enforcement contract at Manchester Airport.

CONSENT AGENDA

6. Mayor Baines advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Ratify and Confirm Poll Conducted

- A. November 22, 2005 authorizing the recruitment of a new Assessor. (Aldermen Roy, Gatsas, Sysyn, Shea, Garrity, Smith, Thibault, Forest, Lopez and O'Neil voted yea; Aldermen Porter voted nay; Aldermen Osborne and DeVries unavailable.)

Informational – to be Received and Filed

- B.** Communication from Leo Bernier, City Clerk, submitting the official results from the Municipal General Election held on November 8, 2005 and also the official results from the recounts held on November 19, 2005 for Ward 2, 6, 11 and 12.
- C.** Communication from Gerard Fleury, Executive Director of the Manchester Employees' Contributory Retirement System, outlining Arthur Beaudry's accomplishments during his tenure as a Retirement Board Trustee.
- D.** Minutes of a meeting of the Mayor's Utility Coordinating Committee held on November 16, 2005.
- E.** Minutes of a meeting of the MTA Commission held on October 25, 2005 and the Financial and Ridership Reports for the month of October 2005.
- F.** Communication from Attorney James Lombardi regarding concerns of residents of Amoskeag Terrace relating to Manchester Place and response from Brian Dacey of Manchester Place, LLC.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

- G.** Communication from Stephanie Lewry, Executive Director of Intown Manchester, requesting a special appropriation not to exceed \$1,000.00 for repair of electrical circuits for holiday lighting on Elm Street.
- H.** Resolutions:
 - “Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Thousand Two Hundred Two Dollars and Forty Cents (\$7,202.40) for the FY2003 CIP 215903 Lead Hazard Control Grant Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the FY2006 CIP 214206 Manchester Health Care Access Review Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Twenty Eight Dollars (\$2,028) for FY2006 CIP 410706 NH DWI Patrol Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Eight Thousand Dollars (\$8,000) for FY2006 CIP 411806 Project Safe Neighborhoods Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Three Thousand Eight Hundred Sixty Two Dollars (\$43,862.00) for FY2006 CIP 713106 Trolley Crossing PS Force Main Project.”

“Authorizing the Finance Officer to effect a transfer of Seventy Five Thousand Dollars (\$75,000.00) from Contingency to Environmental Protection Division – Chemicals.”

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

- I. Recommending that the 1st quarter FY2006 write-off list for the accounts receivable module be approved and further that the Fleet Bank, So. Willow EDP LLC (Stop N Shop) and CP Management accounts be forwarded to the Solicitor’s office for collection.

(Unanimous vote)

- J.** Advising that it has accepted the city's unaudited Monthly Financial Statements for the four months ended October 31, 2005 for FY2006 submitted by the Finance Department, and is forwarding same to the Board for informational purposes.

(Unanimous vote)

- K.** Advising that it has accepted the following Finance Department reports:

- a) department legend;
- b) open invoice report over 90 days by fund;
- c) open invoice report all invoices for interdepartmental billings only;
- d) open invoice report all invoices due from the School Dept. only;
- e) listing of invoices submitted to City Solicitor for legal determination; and
- f) accounts receivable summary.

and is forwarding same to the Board for informational purposes.

(Unanimous vote)

COMMITTEE ON BILLS ON SECOND READING

- L.** Recommending that Ordinances:

“An Ordinance amending the Ordinances of the City of Manchester by adding a new Section 32.104 Department of Senior Services.”

“An Ordinance amending the Ordinances of the City of Manchester by amending Sections 32.105, 32.106, 32.107, 32.108, 32.109 and 32.110 substituting language of ‘Senior’ for ‘Elderly’.”

ought to pass.

(Unanimous vote)

- M.** Recommending that Ordinances:

“Amending Sections 33.024, 33.025 & 33.026 (Health Assistant) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 & 33.026 (Building Automation Specialist) of the Code of Ordinances of the City of Manchester.”

ought to pass.

(Unanimous vote)

N. Recommending that Ordinance:

“Amending Chapter 70: Motor Vehicles and Traffic by deleting Sections 70.61-70.65 dealing with snow removal and amending Chapter 71: Snow Emergency Regulations of the Code of Ordinances of the City of Manchester.”

ought to pass and layover.

(Unanimous vote)

O. Recommending that Ordinance:

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations.”

ought to pass as amended.

(Aldermen Lopez, Roy, Sysyn and O’Neil voted yea; Alderman DeVries voted nay.)

(NOTE: ordinance to be forwarded under separate cover prior to meeting.)

COMMITTEE ON HUMAN RESOURCES/INSURANCE

P. Advising that it has approved Ordinance:

“Amending Sections 33.026 (Cemetery Supervisor) of the Code of Ordinances of the City of Manchester.”

providing for changes in class specification, which do not change the title of a position and do not provide for any changes in salary grade of such position and is forwarding same to the Board for adoption.

(Aldermen Shea, Sysyn, DeVries and Forest voted yea; Alderman Garrity voted nay.)

COMMITTEE ON LANDS AND BUILDINGS

Q. Advising that it has approved the following with regard to the request from the NH Department of Transportation to purchase city land for the proposed Manchester Airport Access Road:

- Accepted recommendation of the Board of Assessors to seek an outside appraisal through the Airport;
- Unless otherwise ordered by BMA requested the Airport Director to gather information and conduct negotiations as may be appropriate for report back to the Committee on Lands and Buildings; and
- Requested reports from Planning and Tax to determine whether or not the property is surplus to City needs.

The Committee shall report its findings and recommendations to the Board of Mayor and Aldermen at a later date.

(Unanimous vote)

R. Advising that it has discussed the potential disposition of the Center of New Hampshire Parking Garage and has approved the following:

- That the Surplus Property Declaration Process be initiated and has requested reports of the Planning Department and Tax Collector;
(Aldermen Roy, Osborne and Porter voted yea; Alderman Gatsas opposed.)
- Accepted the recommendation of the Board of Assessors to seek outside appraisal and will consider same with the above referenced reports;
(Aldermen Roy, Osborne and Porter voted yea; Alderman Gatsas opposed.)
- Unless otherwise directed by BMA, authorized the Economic Development Director and appropriate staff to enter into negotiations with JPA Corporation to discuss an acceptable purchase price and to report these discussions and any other offers to the Committee on Lands and Buildings.
(Aldermen Thibault, Roy and Porter voted yea; Aldermen Gatsas and Osborne opposed.)
- Authorized JPA Corporation to conduct a physical analysis of the Center of New Hampshire Parking Garage under supervision of the Highway Department including, but not limited to, examining the depth, nature and condition of the concrete structure, foundations and footings with JPA reporting the findings to the City.
(Aldermen Thibault, Roy and Porter voted yea; Aldermen Gatsas and Osborne opposed.)

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- S.** Recommending that a request from Intown Manchester to allow free parking after 6 PM on Thursday evenings during the month of December be approved.
(Unanimous vote)

- T.** Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.
(Unanimous vote)

- U.** Advising that it has approved expenditures of approximately \$8,000 from the 2006 Parking Facilities Fund for maintenance punch list items at the Victory Parking Facility as noted herein.

The Committee recommends that the Board of Mayor and Aldermen refer funding for the items of concern relating to elevators and building repairs to the 2007 CIP budget process.

The Committee further notes that it has requested Mr. Jerome of Central Parking to report any vandalism immediately to the Police Department and coordinate with Mr. Lolicata and Mr. Ntapalis to insure prompt and proper reporting to Risk Management in the future.

(Aldermen Sysyn, Guinta, Forest and O'Neil voted yea; Alderman Smith was absent.)

- V.** Advising that it has approved up to \$4,300 for pay raises for the employees of the Victory Street Garage. The Committee notes that sufficient funds will be made available in the operating budget.

(Aldermen Sysyn, Forest and O'Neil voted yea; Alderman Guinta opposed; and Alderman Smith was absent.)

**LADIES AND GENTLEMEN, HAVING READ THE CONSENT AGENDA,
A MOTION WOULD BE IN ORDER THAT THE CONSENT AGENDA BE
APPROVED.**

7. Nominations to be presented by Mayor Baines, if available.
8. Confirmation of nominations as follows:

Conservation Commission:

Tara Hurst to succeed Eric Skoglund, term to expire August 1, 2008;
and
Gregg Sargent to fill a vacant alternate seat, term to expire
August 1, 2008.

Arts Commission:

Kelleigh L. Domaingue to succeed Grace Freije, term to expire
December 1, 2008.

Heritage Commission:

Christopher J. Newton to succeed Kathleen Mirabile, term to expire
January 1, 2009; and
Cathryn “Kate” E. Vaughn to fill a vacant alternate seat, term to
expire January 1, 2009.

Millyard Design Review Committee:

Dick Anagnost to succeed Dean Kamen, term to expire
January 1, 2009.

Office of Youth Services Advisory Board:

Robert J. Champagne, term to expire January 1, 2009;
Carol A. Johnson, term to expire January 1, 2009;
Catherine E. Allard, term to expire January 1, 2009;
Toni H. Pappas, term to expire January 1, 2009; and
Tricia H. Lucas, term to expire January 1, 2009.

Daniel T. Leach, term to expire January 1, 2008;
James Clinton “Skip” Harris, term to expire January 1, 2008;
Kendall A. Snow, term to expire January 1, 2008;
Susan McKeown, term to expire January 1, 2008; and
Matthew J. Lapointe, term to expire January 1, 2008.

Ashley Pratte, term to expire January 1, 2007; and
Lejla Catovic, term to expire January 1, 2007.

Ladies and Gentlemen, what is your pleasure?

9. Report(s) of the Committee on Community Improvement, if available.
Ladies and Gentlemen, what is your pleasure?
10. Report of the Committee on Community Improvement regarding the Police and Fire Computer Aided Dispatch and Record Management System Program.
Ladies and Gentlemen, what is your pleasure?
11. Mayor Baines advises that a motion is in order to recess the regular meeting to allow the Committee on Finance to meet.
12. Mayor Baines calls the meeting back to order.

OTHER BUSINESS

13. Report(s) of the Committee on Finance, if available.
Ladies and Gentlemen, what is your pleasure?
14. Ordinances: **(A motion is in order to read by titles only.)**
 - “An Ordinance amending the Ordinances of the City of Manchester by adding a new Section 32.104 Department of Senior Services.”
 - “An Ordinance amending the Ordinances of the City of Manchester by amending Sections 32.105, 32.106, 32.107, 32.108, 32.109 and 32.110 substituting language of ‘Senior’ for ‘Elderly’.”
 - “Amending Sections 33.024, 33.025 & 33.026 (Health Assistant) of the Code of Ordinances of the City of Manchester.”
 - “Amending Sections 33.024, 33.025 & 33.026 (Building Automation Specialist) of the Code of Ordinances of the City of Manchester.”

“Amending Chapter 70: Motor Vehicles and Traffic by deleting Sections 70.61-70.65 dealing with snow removal and amending Chapter 71: Snow Emergency Regulations of the Code of Ordinances of the City of Manchester.”

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations.”

(NOTE: noise ordinance to be forwarded under separate cover prior to meeting.)

These Ordinances having had their second reading by titles only, the question is on passing same to be enrolled.

15. Mayor Baines advises that a motion is in order to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.
16. Mayor Baines calls the meeting back to order.
17. Report of the Committee on Accounts, Enrollment and Revenue Administration, if available.
18. Report of the Committee on Administration/Information Systems recommending that a communication from Joseph Lahr, Executive Director of MCAM TV 23 requesting adoption by the Board of Mayor and Aldermen for a resolution regarding SB 1504, the Broadband Investment and Consumer Choice Act be referred to the full Board of Mayor and Aldermen for consideration.
(Aldermen Forest, Gatsas, Osborne and Porter voted yea; Alderman Lopez voted nay.)
Ladies and Gentlemen, what is your pleasure?
19. Report of the Committee on Lands and Buildings regarding the disposition of property located at 1832 Candia Road, if available.
Ladies and Gentlemen, what is your pleasure?

20. Report of the Committee on Lands and Buildings regarding the disposition of the Center of NH Parking Garage, if available.

Ladies and Gentlemen, what is your pleasure?

21. Report of the Committee on Traffic/Public Safety regarding the extension of the agreement between the City of Manchester and Central Parking for the operation of the Victory Parking Garage, if available.

Ladies and Gentlemen, what is your pleasure?

22. Report of the Conservation Commission regarding a conservation easement at 55 Riverfront Drive, The Pointe at Riverfront Condominium, if available.

Ladies and Gentlemen, what is your pleasure?

23. Communication from Thomas Clark, City Solicitor, requesting an unpaid leave of absence of up to 90 days for Susanna Newsom (probationer), District Court Prosecutor, pursuant to ordinance §33.076(B) due to premature delivery of twins on November 25, 2005.

Ladies and Gentlemen, what is your pleasure?

24. Communication from Thomas Arnold, Deputy City Solicitor, conveying a request by PSNH for an easement in the area of Gay Street.

A motion is in order that the easement be granted subject to the review and approval of the City Solicitor and that the Mayor be authorized to execute any necessary documents as may be required.

25. Communication from Carol Johnson, Deputy City Clerk, submitting an ordinance amendment:

“Amending Section 33.079 Vacations of the Code of Ordinances of the City of Manchester by deleting Section 33.079(J) relating to waivers to the leave accrual formula.”

as requested.

Ladies and Gentlemen, what is your pleasure?

26. Communication from Joanne Shaffer, Second Deputy Finance Officer/Treasury Manager, seeking authorization to expend funds from the EPD Replacement Account in the amount of \$36,000.00 for the replacement of a 10,000 gallon storage tank.

Ladies and Gentlemen, what is your pleasure?

27. Mayor Baines advises that a motion is in order that all matters pending before the present Board of Mayor and Aldermen and its committees as of January 3, 2006 be referred to the next Board of Mayor and Aldermen.

Ladies and Gentlemen, what is your pleasure?

28. Ordinance: **(A motion is in order to read by title only.)**

“Amending Sections 33.026 (Cemetery Supervisor) of the Code of Ordinances of the City of Manchester.”

This Ordinance having had the approval of the Human Resources Committee, if the related report has been accepted, a motion is in order that the Ordinance pass and be Ordained.

29. Ordinances: **(A motion is in order to read by titles only.)**

“An Ordinance amending the Ordinances of the City of Manchester by adding a new Section 32.104 Department of Senior Services.”

“An Ordinance amending the Ordinances of the City of Manchester by amending Sections 32.105, 32.106, 32.107, 32.108, 32.109 and 32.110 substituting language of ‘Senior’ for ‘Elderly’.”

“Amending Sections 33.024, 33.025 & 33.026 (Health Assistant) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 & 33.026 (Building Automation Specialist) of the Code of Ordinances of the City of Manchester.”

“Amending the Code of Ordinances of the City of Manchester by repealing Chapter 94: Noise Regulations in its entirety and inserting a new Chapter 94: Noise Regulations.”

(NOTE: noise ordinance to be forwarded under separate cover prior to meeting.)

These Ordinances having had their third and final reading by titles only, the question is on passing same to be Ordained.

30. Bond Resolutions: (A motion is in order to read by titles only.)

“Authorizing Bonds, Notes or Lease Purchases in the amount of Three Million Six Hundred Thousand Dollars (\$3,600,000) for the 2006 CIP 711806, CSO Crescent Road Basin Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Five Million Three Hundred Thousand Dollars (\$5,300,000) for the 2006 CIP 711906, CSO Poor/Schiller Street Area Project.”

A motion is in order that the Bond Resolutions pass and be Enrolled.

31. Resolutions: (A motion is in order to read by titles only.)

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Thousand Two Hundred Two Dollars and Forty Cents (\$7,202.40) for the FY2003 CIP 215903 Lead Hazard Control Grant Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the FY2006 CIP 214206 Manchester Health Care Access Review Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Twenty Eight Dollars (\$2,028) for FY2006 CIP 410706 NH DWI Patrol Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Eight Thousand Dollars (\$8,000) for FY2006 CIP 411806 Project Safe Neighborhoods Program.”

“Amending the FY2006 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Three Thousand Eight Hundred Sixty Two Dollars (\$43,862.00) for FY2006 CIP 713106 Trolley Crossing PS Force Main Project.”

“Authorizing the Finance Officer to effect a transfer of Seventy Five Thousand Dollars (\$75,000.00) from Contingency to Environmental Protection Division – Chemicals.”

A motion is in order that the Resolutions pass and be Enrolled.

TABLED ITEMS

A motion is in order to remove any of the following items from the table for discussion.

- 32.** Report of the Committee on Community Improvement recommending that the proposed Short Term Municipal/County Cleaner Manchester Project be approved.

(Unanimous vote)

(Tabled 10/18/2005 pending further information.)

- 33.** Communication from Gerard Fleury, Executive Director of the Manchester Employee's Contributory Retirement System, advising that the System is seeking sponsorship in the NH Senate for three pieces of legislation in the 2006 session.

(Tabled 11/15/2005 pending further discussion by the Retirement Board of Trustees.)

34. NEW BUSINESS

- a) Communications
- b) Aldermen

- 35.** If there is no further business, a motion is in order to adjourn.